

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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O.A.No.1543/92

Date of decision: 2-9-93

Keshav Kumar

...Applicant

Versus

Union of India & Another

...Respondents

CORAM:

HON'BLE MR. J.P.SHARMA, MEMBER(J)

HON'BLE MR. B.K.SINGH, MEMBER(A).

For the applicant

...Ms. Jasvinder Kaur, proxy Counsel
for Shri Jog Singh, Counsel.

For the respondents

...None.

JUDGMENT

(Hon'ble Mr. J.P.Sharma, Member(J) :

The applicant is M.Sc. in Chemistry and was appointed as Jr. Library Assistant in 1976. He was selected by the DPC as Sr. Library Assistant in 1978 and was further appointed as Technical Assistant in May 1980. The grievance of the applicant is that he should have been considered and promoted as Sr. Scientific Assistant as he has already put in 5 years of service as Technical Assistant on 9-5-85. The Recruitment Rules provide eligibility for promotion for 5 years in the grade of Technical Assistant. The relief claimed by the applicant is that the applicant should be promoted with immediate effect to the post of Sr. Scientific Assistant. A notice was issued to the respondents but the respondents did not file any reply in spite of the repeated opportunities furnished. In fact, none appeared on behalf of the respondents to contest this application.

2. We have heard the learned counsel for the applicant at length and perused the records. The case of the applicant is that five posts of Sr. Scientific Assistant were created in 1984 by Directorate General of Welfare Service. According to the Recruitment Rules, 25% of the vacancies are to be filled by promotion failing which by direct recruitment and 75% vacancies are to be filled by direct recruitment. The

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contention of the applicant is that out of these 5 posts, 2 posts should have been given to the promotee quota but, in fact, only one vacancy was allotted to promotee quota while other promotee was also available for appointment. Besides Kanta Malhotra, the applicant Keshav Kumar was eligible for promotion in all respects. It is further contended by the applicant's counsel that in August 1987, one post fell vacant due to resignation of one Shri Dheer Singh who was appointed as Sr. Scientific Assistant against the quota meant for promotees. The applicant made a representation on 29.10.87 which has not been replied to. In spite of respondent no.2 the Director, Food Research and Standardisation Library, the recommendations for appointment of the applicant to the Director General of Welfare Service to the post of Sr. Scientific Assistant, the applicant being seniormost Technical Assistant but no step has been taken in that regard by respondent no.1. It is further contended by the learned counsel that one post has also fallen vacant in August 1991 due to promotion of one Shri R.K.Sareen and inspite of the representation of the applicant, he has not been favoured by any reply or any appointment to the post. The applicant has made a prayer in this application that he should be considered for promotion to the post of Sr. Scientific Assistant.

3. We have considered the proper aspect of the matter and there is no averment in the application or in the arguments advanced by the learned counsel for the applicant that any junior to the applicant has been offered appointment in the promotee quota. As regards the five vacancies created in 1984, only one vacancy falls in the promotee quota because 75% of the vacancies have to go to direct recruitment quota. Therefore, the applicant could not get any vacancy in 1984 and only one person who was senior to the applicant was rightly promoted. As regards the vacancy being created in 1987, there was only one vacancy and there cannot be any promotee quota in that vacancy. Similarly, one vacancy has fallen vacant in 1991. By the own averment in the application as well as by the arguments advanced, it cannot be said that the applicant has been discriminated. The matter is still under consideration of the respondent no.1 on the recommendations of respondent no.2.

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4. In view of the above facts and circumstances, we don't find any merit in this application and dismiss the same with the direction to the respondents to dispose of the representation of the applicant. No costs.



(B.K.SINGH)
MEMBER(A)

2nd Sept 1993

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Done at
29/9/93
(J.P.SHARMA)
MEMBER(J)